



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
999 18TH STREET- SUITE 200
DENVER, CO 80202-2466
Phone 800-227-8917
<http://www.epa.gov/region08>

July 18, 2006

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Richard Oppen, Director
Montana Department of
Environmental Quality
1520 E. Sixth Avenue
P.O. Box 200901
Helena, MT 59620-0901

NOTICE OF VIOLATION

Docket No. **SDWA-08-2006-0050**

Lincoln Road RV Park, Inc.
850 West Lincoln Rd
Helena, MT 59604
PWS ID# MT0003679

Dear Mr. Oppen:

The above referenced public drinking water system has violated certain provisions of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f, et seq. and the National Primary Drinking Water Regulations at 40 C.F.R. part 141. The violations consist of failure to monitor for bacteriological quality, failure to take four repeat samples following a positive total coliform result, failure to take five routine samples following a positive total coliform sample in the preceding month, failure to provide public notice, and failure to notify the State of the violations. Our records, obtained from the Montana Department of Environmental Quality's Public Water Supply Online Query Reports, indicate the violations noted below. Please notify Kimberly Pardue Welch of my staff at (303) 312-6983 within 20 days if your records show any discrepancies with these determinations of violation.

Date of
Violation

Violation

August 2001, March 2002, June 2002, July 2002, November 2002, January 2003, February 2003, May 2003, August 2003, January 2004, April 2004, May 2004, July 2004, November 2004, December 2004, March 2005, June 2005, October 2005, January 2006, April 2006	Failure to monitor for bacteriological quality. [40 C.F.R. § 141.21(a)]
September 2004	Failure to take 4 repeat samples following a total coliform positive result. [40 C.F.R. § 141.21(b)]
October 2001, October 2004 (System incorrectly took 4 samples)	Failure to take five routine samples following a total coliform positive sample the preceding month. [40 C.F.R. § 141.21(b)(5)]
2002 – 2006	Failure to notify public of above referenced violations except October 2004 failure to take five routine samples following a total coliform positive sample the preceding month. [40 C.F.R. § 141.201]
2002 - 2006	Failure to report the above-referenced violations to the State [40 C.F.R. §§ 141.21(g)(2) and 141.31(b)]

This NOTICE OF VIOLATION is issued pursuant to section 1414(a) of the SDWA, 42 U.S.C. § 300g-3(a). If the State does not commence appropriate enforcement action within 30 days from the receipt of this notification, the EPA is authorized either to issue an Administrative Order under section 1414(g) of the SDWA, 42 U.S.C. § 300g-3(g) requiring the public water system to comply with the regulations or requirements, or to commence civil action under section 1414(b) of the SDWA, 42 U.S.C. § 300g-3(b).

Please inform EPA of any change in the compliance status of this system. You may wish to confer with my staff to determine the Agency's position concerning this system and to exchange appropriate information. If the State does not commence appropriate enforcement action within 30 days from the receipt of the notification, EPA will proceed with issuance of an administrative order. Our technical contact is Kimberly Pardue Welch at (303) 312-6983.

A copy of this NOTICE OF VIOLATION has been concurrently sent to the system identified above. Also enclosed for the benefit of the System is a copy of EPA's Small Business Regulatory Enforcement and Fairness Act (SBREFA) fact sheet containing information on compliance assistance resources and tools available to small businesses. EPA has agreed to notify small businesses of their right to comment on regulatory enforcement activities at the same time of an Agency enforcement action. SBREFA does not eliminate the responsibility to comply with the Act.

Sincerely,

s/Lisa Kahn for

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

s/David Janik for

Michael T. Risner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure

cc: Kim Harrison, Registered Agent, Lincoln Road RV Park, Inc.
(via Certified Mail with return receipt)
John Arrigo, MT DEQ

FOR COPIES OF THE ENCLOSURE PLEASE CONTACT THE REGIONAL HEARING CLERK.

THIS DOCUMENT WAS FILED IN THE REGIONAL HEARING CLERK'S OFFICE ON JULY 18, 2006.



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